

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KAREN AYOUB,

Plaintiff,

v.

UNUM LIFE INSURANCE COMPANY OF
AMERICA,

Case No. 06-CV-15768-DT

Defendant.

**ORDER STRIKING PLAINTIFF'S "RESPONSE TO DEFENDANT'S MOTION TO
DISMISS AND COUNTER-MOTION FOR SUMMARY JUDGMENT" AND SETTING
BRIEFING AND HEARING DATES**

Plaintiff Karen Ayoub filed her complaint on December 28, 2006. Defendant Unum Life Insurance Company of America ("Unum") filed a motion to dismiss on January 24, 2007." The motion to dismiss is currently set for hearing on April 11, 2007. (See 2/13/07 Notice.) On February 14, 2007, Plaintiff filed her "Response to Defendant's Motion to Dismiss and Counter-Motion for Summary Judgment." The court will strike Plaintiff's response in its current form and direct Plaintiff to file an amended response. The court's practice guidelines do not permit briefs which are simultaneously submitted in support of one motion and in opposition to another.¹ Accordingly,

IT IS ORDERED that Plaintiff's "Response to Defendant's Motion to Dismiss and Counter-Motion for Summary Judgment" [Dkt. # 8] is STRICKEN from the court's docket

¹http://www.mied.uscourts.gov/_practices/Cleland//motion.htm

without prejudice to Plaintiff's ability to file an appropriate response and motion. IT IS FURTHER ORDERED that Plaintiff's amended response brief to Defendant's motion to dismiss shall be filed by **February 28, 2007**. In the event Plaintiff decides to pursue a dispositive motion at this stage in the litigation, she is directed to file any such motion by **February 28, 2007**. Defendant's response to Plaintiff's dispositive motion shall be due by **March 21, 2007** and Plaintiff's reply shall be filed by **March 28, 2007**. Judge's copies of all response briefs and briefs in support of motions shall be delivered to chambers, bound on the side, with exhibits tabbed appropriately. If Plaintiff files a dispositive motion, the court will conduct a hearing on the motion on the same day as Defendant's motion to dismiss, **April 11, 2007 at 2:00 p.m.**²

s/Robert H. Cleland

ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 23, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 23, 2007, by electronic and/or ordinary mail.

s/Lisa G. Wagner

Case Manager and Deputy Clerk
(313) 234-5522

²The parties should note that hearings are not guaranteed. In the event the court determines the matter can be resolved on the briefs, the hearing will be canceled. See E.D. Mich. LR 7.1.(e)(2).